

REMARKS

This is in response to the Office Action dated July 21, 2011. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

1. Claim Amendments

By the above amendments, claims 11, 14 and 16 have been amended. Thus, claims 11-21 are currently pending in the present application. Claims 11-13 have been withdrawn from consideration. No new matter has been added. As will be demonstrated below, the above amendments do not raise any new issues that would require further search and/or consideration.

2. Allowable Subject Matter

On page 3 of the Office Action, claims 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, claims 16 has been rewritten in independent form to include all of the limitations of base claim 14 and intervening claim 15. Thus, claim 16 is now clearly in condition for allowance. Claims 17-21 depend ultimately on claim 16, and are therefore allowable at least by virtue of their dependencies.

3. Rejection under 35 U.S.C. § 102(e)

On pages 2-3 of the Office Action, claims 14-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gagne et al. (U.S. Patent Application Publication No. 2004/0211663).

The rejection is premised on the Examiner's interpretation of the term "substantially." Accordingly, claim 14 has been amended to remove the term "substantially" and thus, claim 14

requires that the laser-based measuring apparatus is mounted on the crane, and that the laser-based measuring apparatus includes a laser cell, which is operable to emit a substantially vertical laser light and detect reflected laser light. As discussed in the previous response, the Gagne reference clearly lacks a measuring apparatus that emits a vertical laser light. Thus, claim 14, as amended, is clearly allowable over the Gagne reference.

Claims 11-13

Method claims 11-13 have been amended to include all the limitations of allowable apparatus claim 14. Thus, rejoinder of claims 11-13 is respectfully requested.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to enter the above amendment and pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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